Filed 2/6/03 Rosalyn R. v. Superior Court CA2/2

NOT TO BE PUBLISHED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

ROSALYN R., Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; LOS ANGELES COUNTY DEPARTMENT OF CHILDREN AND FAMILY SERVICES, Real Party in Interest.	B162786 (Super. Ct. No. CK47030)

ORIGINAL PROCEEDING; petition for writ of mandate. Steven Klaif, Juvenile Court Referee. Writ denied.

Victoria Doherty for Petitioner Rosalyn R.

No appearance for Respondent.

Lloyd W. Pellman, County Counsel, and Kenneth E. Reynolds, Deputy County Counsel, for Real Party in Interest.

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Petitioner is Rosalyn R., the mother of Kristy M. (born November 1992), Patrick M. (born March 1995), and Robyn M. (born November 2000), dependents of the juvenile court.[1] Pursuant to the California Rules of Court, rule 39.1B, petitioner filed a petition for extraordinary relief seeking review of the juvenile court's November 7, 2002 order terminating reunification services and setting a Welfare and Institutions Code section 366.26[2] permanency planning hearing for Kristy, Patrick, and Robyn. We conclude that the order setting the section 366.26 hearing is supported by substantial evidence. Accordingly, we deny the petition.

I. PROCEDURAL HISTORY AND FACTS

The facts of this case are set forth only insofar as they are relevant to the issues raised by petitioner and our determination.

On April 9, 2001, the Ventura County Human Services Agency (the Agency) filed dependency petitions on behalf of Kristy, Patrick, and Robyn. On April 10, 2001, the court ordered the children detained from their parents' custody and ordered the Agency to provide reunification services. At the time of the detention, the family had been living in the R.A.I.N. project, a homeless shelter, where they had lived since early November 2000, a few weeks before Robyn's birth.

At the time the Agency filed the petitions, the children's presumed father, William M., was incarcerated in Ventura County jail on charges of violating Penal Code sections 288.2 [harmful matter sent with the intention of seducing a minor], 311.4 [employment of a minor to perform sexual acts], 71 [threatening public officers and employees], and 148.1 [false bomb report]. On April 18, 2001 the

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[1] The children's presumed father, William M., is not a party to this petition.

[2] All further statutory references are to the Welfare and Institutions Code, unless otherwise indicated.

Agency sent the father a letter a letter containing information about recommended programs and referrals.

The Agency's reunification plan for petitioner entailed parenting skill classes, individual counseling, and use of public health nurse services to learn to provide for her children's medical needs. On April 20, 2001, petitioner was advised of a reunification plan and she was given a referral sheet. She had already enrolled in parenting classes, and was advised to enroll in counseling and to work with a public health nurse.

May 10, 2001 Jurisdictional/Dispositional Hearing

On May 10, 2001, after an uncontested hearing, the court adjudged the children dependents under section 300, subdivisions (b) [failure to protect], (c)[serious emotional damage], (d) [risk of sexual abuse], and (j) [abuse of a sibling], and ordered them suitably placed.

The court found that the parents had failed to provide the children with consistent and adequate medical treatment. At the time of the hearing, Kristy was almost nine years old and weighed 36 pounds. She suffered from impacted bowels, a life-threatening condition in the absence of adequate medical treatment. Six year old Patrick had not seen a doctor or dentist for the first five years of his life. His teeth were rotten to the gums, and he had had to have four teeth pulled. Six-month-old Robyn was behind in her immunizations.

The court found that the father had inflicted emotional damage on the children by telling Kristy and Patrick that Kristy's dietary problems were her fault, and that if she did not eat, she would be taken away. The court also found that the father had taken sexually provocative pictures of two sisters at the homeless shelter, and had shown sexually explicit pictures to a boy there.[3]

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[3] The sisters were reported to be age eight and 10, or 12. The boy is reported to be 10 or 12.

The court advised the parents that if the children could not be returned home by the six-month review hearing because of the parent's failure to participate regularly and make substantive progress in the court-ordered treatment program, reunification services could be terminated. The six-month review was set for October 29, 2001.

The Agency's report for the May 10, 2001 hearing included the following information. Kristy has borderline intellectual ability. In January 2001 she suffered from a severe bowel impaction and required hospitalization. In April 2001 she was hospitalized again. Her parents had failed to notice the beginning signs of impaction, and had failed to seek medical care for her.

Public health nurses involved with Kristy's case were concerned that the parents did not seem to grasp the seriousness of Kristy's eating habits and weight loss. The public health nurses made Kristy's medical appointments themselves because the parents routinely failed to follow through. The nurses believed that petitioner fabricated reports of what Kristy ate. When they suggested that petitioner get Kristy up a half hour earlier for school so that she would have time to eat breakfast, petitioner responded, "then I will have to get up earlier." School and shelter staff took over diet and stooling logs required by Kristy's condition when her parents failed to fulfill that responsibility. Kristy had a numerous cavities and she went to school unbathed, with dried feces in her underwear. Patrick also went to school unbathed. Patrick received his first immunizations when he began living at the shelter. The parents openly blamed Kristy for her and her brother's and sister's detention.

The Agency report included information concerning the criminal charges pending against the father. The father had reportedly instructed two sisters who lived at the shelter to pose for pictures, clothed, in sexually provocative poses, and had given the older sister the pictures. He had also shown a computer picture of oral copulation to a boy at the shelter. When child protective services became involved with Kristy, Patrick, and Robyn, the father reportedly made a bomb

threat. He was quoted mentioning "payback," saying he knew about explosives and how to get them, and was quoted as saying that he could do something that would "make Oklahoma City look like nothing."

October 29, 2001 Six-Month Review Hearing

The Agency report for the section 366.21, subdivision (e) six-month review hearing stated that the father had pled guilty to all the charges against him and had been incarcerated throughout the six-month review period, but was expected to be released in December 2001. His status at the jail did not allow him to participate in programs offered there, but he was allowed to request books. In response to the social worker's request that he obtain a book on parenting, the father reported that he had read a particular book, had not learned anything from it, already used the techniques it described, and wanted to counsel the author concerning his own parenting style. When the public health nurse met with the father to discuss her role in addressing Kristy's medical problems, the father attributed the children's dependencies to his lack of funds to obtain medical care.

Petitioner had completed a parenting course. She had been attending therapy at the Morbrook Institute irregularly since late May 2001, but terminated there in October 2001 due to logistical problems. The Agency social worker referred her to therapy resources closer to where she had moved.

Petitioner visited the children twice weekly, in supervised visits at the Simi Valley Children & Family Service Agency. She was permitted to take the children to an adjoining park, unsupervised, for one of her visits.

She had been willing to relinquish the children when the father had suggested it. (The father had been under the erroneous impression that his sex offender status would prevent him from being with the children.) Petitioner told the social worker that she felt pressured to choose between the children and the father, and that she chose the father.

Petitioner explained to the social worker that the shelter staff were "out to get them" and that the father had pled guilty only to avoid a long prison sentence.

She attributed the children's lack of medical and dental care to poverty. The court found that petitioner had completed a parenting class and had visited regularly with the children, but that she had not participated regularly in therapy.

The court found that reasonable services had been provided the parents, and that the parents had not complied with the case plan. The court found that the father remained jailed, that he had not taken parenting classes or engaged in therapy to address his "inappropriate" sexual behavior, he had not secured stable housing, and that he had not demonstrated the ability to provide for the children's daily physical and emotional needs.

Because petitioner was living in Los Angeles County and the father intended to live there upon his release from jail, the Agency recommended and the court ordered the case be transferred to Los Angeles County.

December 14, 2001 Change of Jurisdiction Hearing

On December 14, 2001, the Los Angeles County Superior Court accepted jurisdiction of the case, ordered counsel to confer and complete a case plan based on the Ventura County orders, and ordered the Los Angeles County Department of Children's and Family Services (DCFS) to prepare a supplemental report. On December 20, 2001, the Los Angeles County Superior Court ordered petitioner to engage in a DCFS-approved individual counseling program to address the case issues and to attend a parent education program. The case was continued to April 15, 2002 for a section 366.21, subdivision (f) permanent plan hearing.

April 15, 2002 12-Month Review Hearing

In its report for the April 15, 2002, section 366.21, subdivision (f) hearing, DCFS advised that the father had been released from jail in November 2001, and that the terms of his parole were that he register as a sex offender, maintain a residence, and complete sexual perpetrator and anger management programs related to his convictions. The father reportedly avoided participating in the sexual perpetrator and anger management programs, but did enroll in a sexual

perpetrator program immediately before a hearing set to revoke his parole. He reportedly refused to attend an anger management program.

Both petitioner and the father continued to maintain that the detention of their children was unmerited, and that they had no need for any sexual abuse or anger management intervention. Petitioner did not attend the sexual abuse awareness group for non-offenders that had been recommended by DCFS.

Petitioner and the father lived with a family that had also required DCFS services. DCFS told the parents repeatedly that that Kristy, Patrick, and Robyn would not be allowed to visit or live in that home, and advised the parents that they needed to move to show that they had made efforts to provide a safe living environment for the children. Petitioner again attributed the children's dependencies to the shelter staff being "out to get them." She blamed the children's lack of medical and dental care on her poverty, notwithstanding the fact that the children had state medical coverage and the shelter staff would transport them to any medical appointments. She denied any responsibility for the children's dependencies.

The parents had had weekly monitored visits. They were reportedly in compliance with the court's order for individual counseling and were attending bi-monthly individual and couples counseling with a licensed clinical social worker, William Stehle. The therapy focused on reducing the father's anger and petitioner's dependence on the father. On April 3, 2002, however, Stehle called the DCFS social worker, telling her that petitioner and the father were refusing to talk to him, and that he would not provide the court with a letter concerning the parents' progress unless the letter had been approved by the parents. On April 10, 2002, Stehle wrote a letter recommending reunification. He advised that the father had greatly reduced his anger, and that through group therapy and absorption in the self-help book *Your Erroneous Zones*, he had become more flexible. Stehle wrote that he did not think the father needed therapy or a program for his anger other than his bi-monthly therapy sessions, and Stehle opined that a grave error

had been made in designating the father a sex offender. Stehle's assessment of petitioner was that she was "a very deserving person and mother." On April 5, 2002 DCFS filed Stehle's letter with the court, along with a report advising that Stehle's inability to maintain professional objectivity precluded him henceforth from being a DCFS-approved therapist, although the parents could continue with him for their own purposes.

On April 15, 2002, the court directed DCFS to file a supplemental report, ordered the parents' visits to be a minimum of three hours a week, and set the section 366.21, subdivision (f), permanent plan hearing for contest on June 18, 2002.

June 18, 2002 Permanent Plan Hearing

The DCFS report for the June 18, 2002 hearing stated that petitioner continued to deny that the conduct for which the father had been convicted had been inappropriate and that she had not attended the non-offenders sexual abuse program recommended by DCFS. Petitioner also continued to deny that the father had any problems with anger management. The father had not enrolled in an anger management program, notwithstanding referrals from DCFS. Both parents had completed a parenting class. They continued individual and couples counseling with Stehle. The parents had not changed their living arrangement. They continued to visit under closely monitored conditions.

On June 19, 2002, the court ordered DCFS to prepare a supplemental report addressing several areas of concern, and ordered a psychiatrist, Michael Maloney, M.D., to evaluate the parents. The court ordered Dr. Maloney to address the likelihood that the children would be sexually abused if returned, and asked Dr. Maloney to make a recommendation regarding therapy. The court also directed Dr. Maloney to address the issues raised in Stehle's April 10, 2002 letter: the father's anger, his propensity to molest minors, whether petitioner could protect the children and whether she was "co-dependent." The next hearing was scheduled for July 30, 2002.

July 30, 2002 Permanent Plan Hearing

In its report for the July 30, 2002 section 366.21, subdivision (f), permanent plan hearing, DCFS reported that the parents had continued in counseling with Stehle. On July 19, 2002, petitioner had begun counseling with Suzanne Wankel, a marriage, family, and child therapist, through the use of DCFS special funds. The father continued to refuse to attend therapy with a therapist other than Stehle, maintaining that he did not have sufficient time to meet all DCFS's requirements. He appeared unexpectedly, however, at petitioner's second individual session with Wankel.

The parents continued to live together. Petitioner's insistence on living with the father, a convicted felon, rendered her ineligible for Section 8 housing assistance. The parents' housing plan was to retrieve from storage the small trailer that they had been living in prior to coming to the homeless shelter, and to resume housekeeping in the trailer.

DCFS informed the court that the father was compliant with probation requirements for sexual offender registration, sexual offender counseling, and individual therapy, but not anger management.

Family visits had occurred weekly, and the children appeared to enjoy the visits.

On July 30, 2002, the court continued the permanent plan hearing to August 19, 2002, for Dr. Maloney's report. Dr. Maloney concluded that the parents' participation in court-ordered programs appeared to be perfunctory, and that the father was refractory to therapy. Dr. Maloney described petitioner as someone who was much more genuinely concerned about the children than was the father, but opined that petitioner's failure to accept that the father had engaged in inappropriate behavior presented a significant concern regarding her ability to adequately protect the children were they returned to her custody. The case was continued to August 29, 2002.

August 29, 2002 Permanent Plan Hearing

The DCFS report for the August 29, 2002 hearing revealed no material changes in the family's situation other than petitioner's enrollment in the DCFS sexual abuse treatment program on June 20, 2002, and her participation in the five ensuing sessions. The report included a July 16, 2002 letter from Stehle to the DCFS social worker, Ann Wellman, reporting that the parents continued to make progress, and an August 22, 2002 letter from Wankel to Wellman, advising that the parents were anxious to have their family reunified, but that they had done the very minimum to fulfill court imposed requirements. According to the DCFS report, the father had represented at the prior hearing that DCFS had not provided him adequate services. Due to an attorney's family emergency, the case was continued to November 5, 2002.

November 5, 2002 Permanent Plan Hearing

The report for the November 5, 2002 hearing advised that the parents remained convinced that no legitimate reason existed for the children's dependencies, and that consequently they had failed to make any progress in the programs in which they had participated. The report related that DCFS had provided the parents with multiple referrals to counseling and to structured anger management, parenting, and sexual abuse programs. It also advised that DCFS had provided them with $130 a month for gasoline and reimbursements to attend visits and programs, as well as fully funding their weekly individual counseling sessions. A last-minute court report advised that petitioners had cancelled or failed to appear for their last two scheduled appointments with Wankel.

DCFS rested on its documentary evidence, and social worker Wellman was called for cross-examination. Wellman testified that petitioner had completed two parenting classes and that she was participating in sexual awareness counseling. Wellman explained that petitioner had been in therapy with Stehle when Wellman received the transferred case from Ventura County, and that in April 2002, when it became apparent that Stehle was discounting judicial determinations and that he would not be helpful to reunification, she let the parents know that DCFS no

longer considered Stehle to be an approved therapist. Wellman had discussed DCFS's position regarding Stehle with the parents the day of the April 15, 2002 hearing. Petitioner responded to the news by saying that she had a referral from the prior social worker, and that she would call and arrange for a new therapist. The father said he would not change to a new therapist.

In early May 2002, Wellman again advised the parents of the need to find a new therapist. Petitioner said that she had made phone calls and had left several messages, but that the agencies that she had been able to reach all had extensive waiting lists. The father had reiterated that both he and petitioner were going to continue to see Stehle. In June 2002 Wellman gave the parents new referrals for therapists and told them that she would help them make calls. Wellman assisted petitioner by making six or seven phone calls and by finding a therapist, Wankel, who could see her immediately. Wellman also set up the funding that enabled petitioner to see Wankel. Wankel had been providing therapy to both parents since petitioner's second therapy session.

Wellman testified that she had provided referrals to the parents, facilitated visits between them and the children, transported the children to some of the visits, provided the parents $130 a month for transportation, spoken with their therapists, consulted with the father's probation officer, spoken with the parents on the telephone two to three times a month, and had had face-to-face contacts with the parents three or four times a month. Wellman spoke to the parents more and saw them much more than she did parents in her average case.

Wellman testified that the parents had missed some visits with Kristy, who remained placed in Ventura County, including three or four visits in the last few months[4] The parents and Kristy had had approximately 26 visits since Wellman had received the case. The other children had had slightly more than 26 visits.

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[4] Wellman had attempted to find a Los Angeles County placement for Kristy, but found no homes available that could care for Kristy's special needs.

The father testified. He authenticated a log that he had made concerning visits.[5] The log contained notes denoting visits, visits to be made up, visits that had been made up, and visits that remained to be made up.

Petitioner testified briefly. The substance of her testimony was that she had received the referral to Stehle from an office in the Children's Court, and understood the referral to have been DCFS approved.

Following argument and a statement by the father the court terminated reunification services and set a section 366.26 hearing. This petition followed. The court's findings included the finding that the family had been provided adequate reunification services.

The court commented that the parents had started with Stehle when the case was still in Ventura, that the case was ordered transferred in November, transfer was accomplished in December, and that it took some time for the DCFS social worker to be assigned to it. Wellman was providing services by January. Stehle was on an approved list of therapists, so the parents had not been given a referral to an unapproved therapist. Giving the parents the benefit of the doubt, if Wellman had delayed a couple of months on arranging a new therapist, she provided the parents with Wankel in July, four months prior to the instant hearing. The placements of the children were widely dispersed, and Wellman was going out of her way to make sure that visits occurred. From the father's own log, since the beginning of the year the parents had had approximately 36 visits with the children. On this record the court found that reasonable services unquestionably had been provided, and the court commented that it was hard to imagine what else DCFS could have done.

III. STANDARD OF REVIEW

We review the juvenile court's factual determinations for substantial evidence. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 763.)

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[5] The log was received into evidence, but does not appear in the record.

"Substantial evidence" means such evidence as a reasonable mind might accept as adequate to support a conclusion. (*In re Rocco M.* (1991) 1 Cal.App.4th 814, 820.) "On review of the sufficiency of the evidence, we presume in favor of the order, considering the evidence in the light most favorable to the prevailing party, giving the prevailing party the benefit of every reasonable inference and resolving all conflicts in support of the order. (*In re Tracy Z.* (1987) 195 Cal.App.3d 107, 113; 9 Witkin, Cal. Procedure (3d ed. 1985) Appeal, § 278, p. 289.)" (*In re Autumn H.* (1994) 27 Cal.App.4th 567, 576.) When a finding of fact is attacked on grounds it is not supported by substantial evidence, our power begins and ends with a determination as to whether there is any substantial evidence, contradicted or uncontradicted, which supports the findings. (*In re Cheryl E.* (1984) 161 Cal.App.3d 587, 598.) When two or more inferences can reasonably be deduced from the facts, we are powerless to substitute our deductions for those of the trial court. (*Ibid.*) In the presence of substantial evidence, we are powerless to reweigh conflicting evidence and alter a dependency court determination. (*In re Stephanie M.* (1994) 7 Cal.4th 295, 318-319.)

We review findings requiring clear and convincing evidence for substantial evidence. The standard "clear and convincing" "is for the edification and guidance of the trial court and not a standard for appellate review. . . . [O]n appeal from a judgment required to be based upon clear and convincing evidence, 'the clear and convincing test disappears . . . [and] the usual rule of conflicting evidence is applied, giving full effect to the respondent's evidence, however slight, and disregarding the appellant's evidence, however strong.' [Citation.]" (*Sheila S. v. Superior Court* (2000) 84 Cal.App.4th 872, 880-881, citing 9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, § 365, p. 415.)

We review discretionary rulings under the abuse of discretion standard. Under that standard, we will disturb the ruling only upon a showing of "a clear case of abuse" and "a miscarriage of justice." (*Blank v. Kirwan* (1985) 39 Cal.3d 311, 331; *Denham v. Superior Court* (1970) 2 Cal.3d 557, 566.) Abuse of

discretion is not demonstrated simply by arguing that another result would have been preferable, but by demonstration that the trial court's ruling "exceeds the bounds of reason, all of the circumstances before it being considered." (*Ibid.*, (quoting *Loomis & Loomis* (1960) 181 Cal.App.2d 345, 348-349).)

III. PETITIONER'S CONTENTIONS

Petitioner contends that substantial evidence fails to support the trial court's finding that she had been provided reasonable reunification services. She contends that she was denied reasonable services because the four months she had spent in therapy with Stehle was wasted when DCFS determined, in April 2002, that he was no longer an appropriate provider, it took her two months to find an approved therapist, and her experience with Stehle was counterproductive. Petitioner also maintains that the court "should have" given her more reunification services, and she requests that this court issue an order granting her six more months of services.

IV. DISCUSSION

If a child is removed from a family home, a plan is usually developed to overcome the problem that caused the child to be removed, and services are offered to reunify the family. (*Blanca P. v. Superior Court* (1996) 45 Cal.App.4th 1738, 1748; § 361.5, subd. (a).) During the reunification period, the court must review the case at least once every six months to determine whether the child may be returned to the parents and whether reasonable reunification services have been provided to the parents. (§§ 366.21, subds. (e), (f), (g)(1); 366.22, subd. (a).)

Reunification services are time limited. For a child who is under three years when detained, reunification services are not to exceed six months from the date the child enters foster care. (§ 361.5, subd. (a)(2).) For a child over three when detained, reunification services are not to exceed one year from the date the child entered foster care. (§ 361.5, subd. (a)(1)). Services may be extended up to a maximum of 18 months if it can be shown that a substantial probability exists that the child may safely be returned home within the extended six-month period,

or if reasonable services had not been provided to the parent. (§ 361.5, subd. (a)(3).) Services may also be extended beyond 18 months in extraordinary circumstances, such as when "a reunification plan [is] developed but not implemented during most of the reunification stage" (*In re Daniel G.* (1994) 25 Cal.App.4th 1205, 1213-1214).

If the time period in which court-ordered services are provided meets or exceeds the one-year limit (§ 361.5, subd. (a)(1)), the court may continue the case for a permanency review hearing under section 366.22, to occur within 18 months of the date the child entered foster care. (§ 366.22, subd. (a).) The case may be continued to 18 months only if the court finds a substantial probability exists that the child may be returned to the parent or that reasonable reunification services had not been provided to the parent. (§ 366.21, subd. (g)(1).)

We review the reasonableness of the reunification services for substantial evidence. (*In re Monica C*. (1995) 31 Cal.App.4th 296, 306.) In reviewing the reasonableness of reunification services, "[t]he standard is not whether the services . . . were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances." (*In re Misako R., supra,* 2 Cal.App.4th at p. 547.) A reviewing court must "recognize that in most cases more services may have been provided, and that the services which are provided are often imperfect." (*Elijah R. v. Superior Court* (1998) 66 Cal.App.4th 965, 969.) "[T]he record should show that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult (such as helping to provide transportation and offering more intensive rehabilitation services where others have failed)." (*In re Riva M.* (1991) 235 Cal.App.3d 403, 414.)

At the October 29, 2001 hearing at which the court ordered the family's case transferred to Los Angeles County, the court found that the family had

received reasonable services during the first six-month review period. The second six-month review period spanned the 12-calendar months between October 29, 2001, and the November 5-7, 2002 hearing at which the court terminated reunification services. During that time the DCFS social worker saw the parents face-to-face three or four times a month, spoke with them on the telephone two to three times a month, facilitated visits and, on some occasions, transported the children to visits. She provided the parents with referrals and $130 a month for transportation, spoke with their therapists, and consulted with the father's probation officer. That the social worker concluded in mid-April 2001 that the licensed therapist to whom the parents had been referred four months earlier would not be helpful to their reunification does not, as a matter of law, render the family's services unreasonably deficient. Moreover, substantial evidence supports the finding that within a very short time after DCFS social worker learned of the therapist's limitations, she informed petitioner of the problem, and petitioner said she would find a new therapist from a referral list already in her possession.

Petitioner is asking this court to reweigh the evidence with respect to the reasonableness of reunification services. We have, however, no such power. "The Court of Appeal is not a second trier of fact and a writ petition is not a trial brief." (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.)

Petitioner is also requesting this court to substitute its discretion for that of the trial court with respect to the extension of reunification services beyond 18-months. Petitioner does not assert that the court abused its discretion in declining to extend the services, but instead maintains that the court "should" have made such an order, asking this court to do so. This is not our province. Moreover, we find no abuse of discretion in the court's orders. In assessing substantial probability that Kristy, Patrick, or Robyn might be returned to petitioner with an additional six months of services, the trial court was bound to consider whether petitioner had consistently visited, had made significant progress in resolving the problems that led to the children's dependencies, and had demonstrated the

capacity and ability both to complete the objectives of her treatment plan and to provide for the children's safety, protection, physical and emotional well-being, and special needs. (§ 366.21, subds. (g)(1), (A)-(C).) Although petitioner did visit regularly and participate in court ordered programs, we cannot find on this record that the trial court's decision not to extend services beyond 18-months exceeded the bounds of reason.

DISPOSITION

The petition for writ of mandate is denied, and the order to show cause is discharged.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

_____, J.

DOI TODD

We concur:

_____, P. J.

BOREN

_____, J.

ASHMANN-GERST